

REMARKS

Claims 1, 4, 5, 8-15, 18, 19, 22-28, and 32-38 were pending in this application. Claims 39 and 40 are newly added. Claims 1, 4, 5, 8-15, 18, 19, 22-28, and 32-40 are pending upon entry of this amendment.

OBJECTION TO THE SPECIFICATION

The Examiner objects to the abstract of the disclosure for reciting language which can be implied. The abstract of the disclosure has been amended as requested by the Examiner.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 4, 5, 8-10, 15, 18, 19, and 22-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Manber (US Patent No. 6,920,609) in view of Bailey (US Patent 6,785,671). Claims 11-14, 25-28, and 36-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Manber (US Patent No. 6,920,609) in view of Bowman (U.S. Patent No. 7,124,129) and further in view of Bailey (U.S. Patent No. 6,785,671). These rejections are respectfully traversed.

For the purpose of clarity, Applicant's remarks will address the rejections of claims 1, 4, 5, 8-10, 15, 18, 19, and 22-24 and then address the rejections of claims 11-14, 25-28, and 36-38.

Claims 1, 4, 5, 8-10, 15, 18, 19, and 22-24:

Independent claim 1 recites elements related to receiving a search query and identifying a plurality of item identifiers responsive to the query. Each item identifier is

associated with an item offered for sale. First and second groups of item identifiers are selected. Specifically, independent claim 1 recites:

selecting a first group of item identifiers from the plurality of item identifiers, wherein the first group of item identifiers was **received from a vendor feed**, the vendor feed comprising information from at least one vendor offering one or more items for sale;

selecting a second group of item identifiers from the plurality of item identifiers, wherein the second group of item identifiers was obtained by extraction of item identifiers from shopping documents offering one or more items for sale, the shopping documents not received directly from a vendor feed;

Thus, independent claim 1 recites selecting a first group of item identifiers **received from a vendor feed**.

Manber does not teach or suggest selecting a first group of item identifiers received from a vendor feed as recited by independent claim 1. Manber instead describes systems and methods for analyzing HTML formatted web pages to automatically identify and extract desired information, which is not extracting information received from a vendor feed.

In the rejection of claim 1 the Examiner states that Manber discloses selecting a first group of item identifiers received from a vendor feed at column 5, lines 31-58. This portion of the reference merely describes identifying and extracting information from remote vender servers. However, there is no teaching or suggestion that the information is received using a vendor feed. Manber gives several examples of the types of content that can be accessed from remote servers, including news stories, advertising content, and search query results. Manber further states that this content can include objects such as video and audio clips, URL links, graphic and text objects, etc. These types of content and objects can be received

via a variety of ways, and nothing in the reference implies that the content or objects are received via a feed. Thus, it follows that Manber does not teach or suggest selecting a first group of item identifiers received from **a vendor feed**. Only through impermissible hindsight analysis could a vendor feed be found in the non-specific disclosure of Manber.

Bailey does not remedy the deficiencies of Manber. Bailey discloses a search engine and a web crawler program to assist users in locating web pages from which user-specified products can be purchased. However, Bailey does not teach or suggest selecting a first group of item identifiers received from a vendor feed as recited in independent claim 1.

The references therefore do not teach or suggest every element of independent claim 1. Independent claim 15 is not obvious for at least the same reasons as independent claim 1. The dependent claims incorporate the elements of their base claims, and are therefore not obvious for at least the same reasons. Accordingly, the Applicants respectfully submit that a person of ordinary skill in the art considering the references either alone or in combination would not find claims 1, 4, 5, 8-10, 15, 18, 19, and 22-24 obvious, and therefore respectfully request that the Examiner withdraw these rejections.

Additionally, the references also do not teach or suggest a data stream received from at least one vendor as recited in new claims 39 and 40. Thus, these claims are patentably distinguishable over the references for this additional reason as well. Support for new claims 39 and 40 is found throughout the specification, including at paragraph 0027.

Claims 11-14, 25-28, and 26-38:

Independent claim 11 recites elements related to receiving a search query and identifying a plurality of item identifiers responsive to the query. Specifically, independent claim 11 recites:

selecting a first group of item identifiers from the plurality of item identifiers;

determining a first degree of certainty that each item identifier from the first group of item identifiers has been correctly associated with a respective item;

selecting a second group of item identifiers from the plurality of item identifiers;

determining a second degree of certainty that each item identifier from the second group of item identifiers has been correctly associated with a respective item;

Thus, independent claim 11 recites elements directed to **determining degrees of certainty that item identifiers are correctly associated with respective items.**

The Examiner uses Manber to support the rejection, but acknowledges that Manber does not specifically teach or suggest determining first and second degrees of certainty.

Bowman does not remedy the deficiencies of Manber. Bowman describes a software facility for identifying the items most relevant to a current query based on items selected in connection with similar queries. However, Bowman does not teach or suggest determining first and second degrees of certainty as claimed.

In the rejection of claim 11, the Examiner states that Bowman discloses determining degrees of certainty that item identifiers are correctly associated with respective items at steps 801, 802, and 806 of FIG. 8. FIG. 8 depicts a flow diagram of steps performed to generate a ranking value for each item in a search query result. Steps 801 and 802 describe

ranking items in a search result list by assigning a score to each item based on how frequently the items are selected by users in connection with similar search queries (i.e., the rankings are based on the tables in FIGS. 3 and 5, and these tables are based on how frequently the items are selected in connection with similar search results). *See* Bowman, Abstract and column 8, lines 51-67. The terms used to retrieve each item are assigned a similar score. Step 806 describes combining the scores for the items and the scores for the terms to generate a ranking for each item in the search results. The Examiner therefore maps the “rankings” described by Bowman as disclosing determining degrees of certainty that item identifiers are correctly associated with respective items as recited by independent claim 11.

However, the “rankings” described by Bowman do not teach or suggest determining degrees of certainty that item identifiers are correctly associated with respective items as claimed. For example, if “Search Result A” has a higher ranking than “Search Result B”, then this ranking indicates that for similar search queries “Search Result A” has been selected more frequently than “Search Result B”. However, Bowman does not teach or suggest that these rankings can indicate whether “Search Result A” or “Search Result B” is **correctly associated with a respective item**. If Bowman ranked “Search Result A” ahead of “Search Result B”, the ranking would merely indicate that “Search Result A” has been selected more frequently than “Search Result B” and not indicate whether a result is correctly associated with a respective item. Bowman therefore does not teach or suggest determining a degree of certainty as claimed.

Bailey does not remedy the deficiencies of Manber and Bowman. Bailey describes a search engine system and a web crawler program to assist users in locating web pages from

which user-specified products can be purchased. Thus, like Maber and Bowman, Bailey does not does not teach or suggest determining first and second degrees of certainty as claimed.

The references therefore do not teach or suggest every element of independent claim 11. Independent claim 25 is not obvious for at least the same reasons as independent claim 11. The dependent claims incorporate the elements of their base claims, and are therefore not obvious for at least the same reasons. Accordingly, the Applicants respectfully submit that a person of ordinary skill in the art considering the references either alone or in combination would not find claims 11-14, 25-28, and 26-38 obvious, and therefore respectfully request that the Examiner withdraw these rejections.

CONCLUSION

Should the Examiner wish to discuss the above amendments and remarks, or if the Examiner believes that for any reason direct contact with Applicant's representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,
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